

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6828**

**BILL NUMBER: SB 209**

**DATE PREPARED:** Dec 16, 1998

**BILL AMENDED:**

**SUBJECT:** Late payment fee.

**FISCAL ANALYST:** Susan Preble

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:**      **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill allows a court to impose a \$20 late payment fee when court costs, a fine, a civil penalty, or another judgment in a criminal proceeding, infraction proceeding, or a proceeding involving an ordinance violation is not paid by the due date set by the court. It requires the court clerk to collect and forward late payment fees to the appropriate county auditor or city or town fiscal officer for deposit in the general fund of the political subdivision receiving the fees.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill attempts to defray the costs that a city or town incurs for the additional staff time and paperwork required to recover court-ordered judgments, including fines or civil penalties imposed for offenses, infractions, or ordinance violations, that are not paid in full by the due date set by the court. It is estimated that it takes a judge and other court personnel a total of 3 hours of additional paperwork and staff time for each judgment that results in a failure to pay by the due date.

There are 72 city and town courts located in 38 counties in Indiana. City and town courts have jurisdiction over all misdemeanors, infractions, and ordinance violations. Each city and town court is funded by its respective municipality, with most expenses paid directly from the local general fund.

One city court judge estimates that of the 5,000 cases disposed by their court to date this calendar year, 25% involve judgments that are not paid to the court by the due date. In order to recover payment, each court follows a procedure that requires the judge to review the court record to confirm that payment has not been received. If the payment has not been made, the court secretary enters it into the computerized chronological

case summary (CSS) (formerly known as a docket sheet). For ordinance and infraction judgments, the deputy clerk must prepare an order to appear, which the bailiff delivers to the person who failed to pay on time. For criminal misdemeanors, the judge orders a bench warrant for failure to comply with an order of the court, which a local law enforcement official will serve upon the defendant.

**Explanation of Local Revenues:** For each judgment that is not paid in full to a city or town court by the due date set by the court, this bill will allow a city or town court to assess a \$20 late payment fee, which will be deposited into the general fund of the city or town. There are no statewide statistics on the number of judgments imposed by city and town courts that are not paid in full by the due date.

**State Agencies Affected:**

**Local Agencies Affected:** City and town courts.

**Information Sources:** Judge L. Ralu Wolf, Muncie City Court, (765) 747-4703; IC 33-10.1 (regarding city and town court jurisdiction).